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Stalking Victims, Victims of Sexual Violence and Criminal Justice System Responses: Is there a Difference or just ‘Business as Usual’?

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Introduction

Stalking is a distinct form of violence within the continuum of interpersonal abuse (Logan and Walker, 2009; Basile et al., 2011) and a hidden type of intrusion and intimidation within the wider spectrum of gendered and sexual violence (Kelly, 2012). While stalking constitutes a separate criminal entity encompassing its own inherent risks and serious psycho-social consequences (Mullen et al., 2009; Sheridan and Roberts, 2011), prior research has shown that it often overlaps with domestic violence (Burgess et al., 1997; Baldry, 2005) and it is often an integral part of controlling and abusive intimate relationships (Brewster, 1998; Melton, 2007). Similarly, it has been shown that sexual violence (e.g. rape) often intersects and/or co-exists with stalking victimisation (Logan and Cole, 2011).

However, the true extent of sexual violence incidence is unknown because many stories of sexual, physical and emotional abuse remain hidden, untold and increasingly under-reported (Stanko, 2007). Research studies and empirical evidence have consistently shown that victims of rape and other forms of sexual violence do not often report their experiences to the police out of fear that they will not be believed or taken seriously (Kelly et al., 2005). Most recently, the Metropolitan police commissioner, Sir Bernard Hogan-Howe, conceded that “only a minority of victims reported rape or sexual violence to police and more than 80% suffered in silence” (Dodd, 2014).

The reluctance of victims to come forward and their distrust to the police are not unfounded as in many cases victims who reported being abused or sexually assaulted to the police were treated with disbelief, lack of sympathy and understanding (Jordan, 2001; Robinson and Stroshine, 2005; Meyer, 2011). Similar responses have been also reported by victims with regard to other criminal justice system agencies like the CPS and courts (e.g. judges) (Fugate et al., 2005; Newman and Wright, 2014). These responses have been mainly attributed to stereotypical and biased perceptions about these forms of abuse and the lack of consistency in the investigation of such cases (Walklate, 2008; Brooks, 2009).

Within this context, this article will examine, compare and discuss the experiences of victims of sexual violence, particularly rape and domestic violence, with the experiences of stalking victims¹ as these were reported by the 26 self-defined stalking victims who took part in the

¹ The term ‘victims’ will be mainly used in order to ensure a certain level of consistency in the terminology used throughout the article and it should be considered as an alternative to the term ‘survivors’.

study on which this article is based with regard to their treatment by criminal justice system professionals. This examination will allow us ascertain the commonalities between the experiences of stalking victims and the experiences of victims of other forms of abuse within the continuum of sexual violence and therefore help us understand the reasons the criminal justice system so often fails to deal with victims of gendered and interpersonal violence and their cases effectively.

In particular, the first part of the article will introduce the concept and phenomenon of stalking by referring to the different ways of defining stalking and its emergence and criminalisation in England and Wales. It will then review the limited extant, mostly USA-based, literature on the criminal justice system responses to stalking victims and delineate the purpose and methodological approach of the author's doctoral study on which this article is based. The second part of the article will present the findings of the study regarding the responses of criminal justice system professionals to 26 self-defined stalking victims and assess the way these parallel the experiences of domestic violence and rape victims with criminal justice system practitioners by taking a look at relevant literature and empirical evidence on those two closely related to stalking forms of sexual violence.

Based on the above discussion on the attitudes and responses of the criminal justice system practitioners to victims of stalking, domestic violence and rape and bearing in mind the recent criminalisation of stalking in England and Wales, the final part of the article will reflect on and problematise the role of law, legal reform and its potential in addressing complex psychosocial phenomena such as stalking and gendered violence in general.

Conceptualising, defining and criminalising stalking

Definitional Issues and Perspectives

Stalking has been generally defined and understood in the academic and clinical-behavioural realm as a pattern of repeated and unwanted attentions, communications and contacts usually directed and imposed from one person to another in a way that causes distress, fear or alarm (Pathé and Mullen, 1997; Palermo, 2013). Still, while the terms 'stalking' and 'stalker' are commonly used and often misapplied in everyday life there is a considerable lack of awareness about what is actually stalking and what it involves not only in the general public but also among criminal justice system professionals and sometimes even victims (Kamphuis et al., 2005; Jordan et al., 2007; Tjaden, 2009). This is largely due to the elusive nature of the

behaviour, its different depictions by the media and the lack of a globally accepted definition for the crime of stalking (Jagessar and Sheridan, 2004).

The difficulty in defining stalking mainly rests on the fact that it is not one single act but it consists of a series of different behaviours and activities that when seen in isolation may seem rather ordinary, harmless and not necessarily illegal in their own right (e.g. sending Valentine's gifts, flowers and cards, driving by one's house or appearing in the same places as the victim) (Sheridan et al., 2001). It is the repetitiveness and persistence of the behaviour and the motivational and situational context of the pursuit that differentiates stalking from other behaviours (Finch, 2001; Sheridan and Davies, 2004).

As a result, various definitions of stalking have been created and employed for legal, research and clinical-behavioural purposes. For research stalking has been commonly conceptualised through the classification of specific acts and behaviours that often typify stalkers' modus operandi. Many researchers have divided stalking tactics and behaviours into clusters of direct and indirect contacts and communications such as following, watching, monitoring, sending or leaving unwanted items/messages/gifts, sending threatening, abusive and/or begging letters, trying to gain information about the victim through third parties, damaging the victim's personal property, defaming the victim and issuing direct and/or indirect threats (Sheridan et al., 2001; Hirtenlehner et al., 2012). While these classifications facilitate a standardised measurement of stalking prevalence, they cannot fully capture the different manifestations of stalking behaviour and contextual characteristics.

Therefore, a number of social researchers have used definitions provided by victims to measure and understand stalking victimisation (Emerson et al., 1998; Mustaine and Tewksbury, 1999). The study on which this article is based also relied on the understandings of participants about what stalking is based on their experiences thus aiming to capture a wide range of experiences and interpretations on the nature of stalking victimisation. Bearing in mind the ambiguity and complexities inherent to the definition of stalking, this methodological choice has its own limitations: the term 'stalking' is imbued with different connotations and misunderstandings about what the crime actually entails. As a result, individuals who did not perceive themselves as being stalked and/or label their experiences as such because their experiences did not fit with stereotypical assumptions about stalking as a violent crime perpetrated by strangers might have been excluded. However, this type of definitions yielded nuanced accounts on this form of victimhood.

Stalking in the UK: The legal landscape, the stories, and the remedy

The imported from the USA term and concept of stalking was first used by the British press to cover UK high-profile cases involving royal family members (e.g. Princess of Wales Diana) and public figures (e.g. the murder of TV presenter Jill Dando) (Wykes, 2007). As Finch (2001) explains the concept of stalking was used in the early nineties in relation to the pursuit of celebrities that were attacked by mentally disturbed individuals (for example the attack on tennis player Monica Seles) and also as part of rape or murder cases where the perpetrators had previously stalked their victims. The focus of the press and the interest of the public started to change after an increase of high-profile cases in 1996, most notably the case of Tracey Morgan who was relentlessly pursued by her former colleague Antony Burstow for ten years (*R. v. Burstow*). This case showed the inability of the then available legislation and the police to protect victims before the behaviour escalated into serious violence (Finch, 2002).

After a series of campaigns by victim groups to outlaw stalking and as stalking cases began to attract media attention, stalking was first criminalised in England and Wales with the introduction of the Protection from Harassment Act (PHA) in June 1997. The PHA (s1, s2) proscribes that “*a person must not pursue a course of conduct that amounts to the harassment of another person which he knows or ought to know amounts to the harassment of the other*” and causes alarm or distress or fear of violence to the victim (). Although the PHA (1997) was considered a strong piece of legislation covering a broad range of behaviours and focusing on the impact on the victim (Infield and Platford, 2005), a Home Office study revealed that there was a lack of understanding and inconsistent implementation of the provisions of the Act by criminal justice system professionals (e.g. police officers, CPS) (Harris, 2000).

The inability of the criminal justice system to protect victims of stalking was also reflected in a series of cases that led to the murder of women by their stalkers. Indicative are the cases of Rana Farouqui who was fatally stabbed in 2003 by her former boyfriend who was warned several times by the police for harassing her, Mary Griffiths who was murdered in 2009 by her acquaintance stalker hours after reporting her concerns of being stalked to the police and the case of the Red Cross worker Angela Hoyt who was killed by her colleague/boyfriend days after making a harassment report to Hertfordshire police (Richards, 2010; Silverman and Bogustawski, 2011).

As a result a campaign was launched by the national charity Protection Against Stalking (PAS) in cooperation with the National Association of Probation Officers (NAPO) aiming at creating

a specific anti-stalking law and ensuring that victims of stalkers are taken seriously and receive sufficient protection by the criminal justice system (Dodd and Travis, 2011). The campaign for a new legislation led to a debate about stalking law reform that started in December 2011 when the Justice Unions Parliamentary Group held a joint Commons/Lords inquiry into the need for a review of the Protection from Harassment Act (1997) (Townsend, 2012). During the inquiry evidence was given by police and probation officers, lawyers, psychologists, parents of two women who were murdered by their stalkers and victims of stalking who explained how the criminal justice system was failing to address the needs of victims and provide them with appropriate support and pointed out the lack of training among criminal justice system professionals regarding the behaviour of stalkers (D'Arcy, 2011; Strickland, 2012).

As result of the inquiry and its recommendations the government added two new offences to the PHA, the basic offence of stalking (s. 2A) and the offence of stalking "*involving fear of violence or serious alarm or distress*" (s. 4A) that were enacted on 25th November 2012 (MacEwan, 2012, p. 768). The main aims of the new law were to improve the protection of stalking victims, strengthen the prosecution of perpetrators and send the unequivocal message that stalking is a serious crime. The new law results from sections 111 and 112 of the Protection of Freedoms Act 2012 and provides an indicative list of stalking behaviours including following, interfering with property, making contact attempts, loitering, watching or spying a person, it increases the maximum sentence for basic stalking from six months to fifty-one weeks and allows the power of entry in relation to the s.2A offence.

An interesting point is that the second offence of stalking (s.4A) requires that: "*a stalker causes another person to fear on at least two occasions that violence will be used against that person or cause that person to suffer serious alarm or distress which has a substantial effect on that person's usual day-to-day activities*" (). The Home Office provides a list of examples of what may be regarded as adverse effects including changes in the victim's travelling routines to their social and job-related activities, taking additional safety measures, moving home(s) and suffering physical or mental health impairment. This is an important provision as it takes into account the disruptions, life changes and psycho-social ramifications that victims often experience as a result of being stalked (Home Office, 2012)

Given that law constitutes an important part of social life and structure that often shapes the way social reality is perceived (Cotterrell, 1998) the criminalisation of stalking and its legal recognition may help raise social awareness about the deviance of the behaviour and improve understanding about its effects. However, as it will be later discussed, legal reform does not

necessarily entail that stalking victims will be taken seriously and their cases will be properly dealt with by the criminal justice system (Russell, 2012).

Stalking Victims and Perceived Criminal Justice System Responsiveness

Existing Research: Voices Unheard

The limited number of studies examining the quality and effectiveness of the responses of criminal justice system practitioners to victims of stalking carried out in the United States, United Kingdom and Europe have predominantly shown that this hidden group of victims and their cases are not properly dealt with. In particular, Tjaden and Thoennes (1998) who carried out the first national study on stalking prevalence in the USA found that half the victims (55% of women, 48% of men) who reported being stalked to the police were satisfied with the response they received whilst the remainder were dissatisfied with the police for not arresting the stalker, not taking them seriously and failing to protect them. Similarly, the 1998 British Crime Survey (BCS) found that out of the 56% of victims who sought help by the police 35% said that they were dissatisfied (Budd and Mattinson, 2000). Brewster (1998) who explored the experiences and needs of 187 female victims stalked by their former intimate partners in Pennsylvania, USA found that whilst most victims who reported to the police were overall satisfied with the speed of their response and their “politeness”, they were dissatisfied with the police showing mere “sympathy” and their failure to live up to their expectations (p. 9).

In the same line, Sheridan et al. (2001) who carried out a survey of 95 self-defined stalking victims in the UK found that out of the 92% of victims who reported stalking to the police, 41% said that they were disappointed with the way the police dealt with their cases and 33% thought that the police had been very supportive. While some victims explained that the police would often trivialise and dismiss the incidents, other victims commented that the police were sympathetic but unable to help mainly due to the lack of sufficient evidence or relevant legislation² at the time of the study. Finch (2001) who interviewed 40 victims of stalking also found that victims and their complaints were not properly addressed by the police. These findings were consistent with a Scottish study that found that most victims were not satisfied with the response of the police as they would often have to recount their cases to a different police officer every time a new stalking episode occurred, they would often deal with police

² Sheridan et al. (2001) clarified that some victims had written about their stalking experiences before the introduction of the Protection from Harassment Act (PHA) in 1997.

officers' inaction and the latter's tendency to dismiss stalking cases as merely 'domestic' (Morris et al., 2002).

Furthermore, in Australia a study by Purcell and her colleagues (2002) found most victims reported that help-seeking agencies like the police, health and legal professionals downplayed or disregarded their complaints. For example, some victims explained that when they reported being stalked they received trivialising responses and were advised to "*get on with it and just forget it*" or as a female victim said "*the police treated me like a stupid woman (...) saying I was over-reacting*" (p. 118). Similarly, Galeazzi et al. (2009) who examined the different help-seeking routes taken by stalking victims, the criminal justice system responses to their cases and their perceived effectiveness in three European countries (Belgium, Italy and Slovenia) found that most stalking victims had been better supported by their family and friends, mental health professionals, lawyers and victim support groups rather than the police. The main reason for victims' dissatisfaction with the police was that the latter would not take their cases seriously. Indicative of this consistent lack of confidence in police interventions regarding stalking are some of the reasons given by victims who did not report to the police: a presumption that it is not a police matter, that the police could not help them and the fear that they would not be taken seriously.

The most recent study focusing on the responsiveness of criminal justice system to victims of stalking and their cases was carried out in Belgium and the Netherlands by Van der Aa and Groenen in 2010. Overall, 45 in-depth interviews were conducted with 20 Dutch and 25 Belgian stalking victims who articulated their needs and evaluated the help received by criminal justice system authorities. The study revealed the police officers' inaction and dismissive behaviour towards stalking victims and their cases. According to Dutch stalking victims, police officers were often reluctant, indifferent or cynical towards victims' complaints tending to trivialising them or showing disrespect by not taking the victims seriously. In fact, many victims reported that they had been "disbelieved, insulted, laughed at or even blamed" for being stalked (p. 27). The researchers argued that their study showed there is a lack of proper response and treatment of stalking victims and their cases by the police and that this is partly due to misunderstandings about the criminality of stalking, legal limitations and implementation problems.

Researching stalking victimisation

The main purpose of the doctoral study on which this article is based was to explore and understand the nature and impact of stalking through the experiences and voices of individuals

who have been subjected to this form of interpersonal violence. The study also sought to examine the way the criminal justice system and society respond to stalking victims based on victims' experiences and understandings. The author carried out in-depth, semi-structured face-to-face and phone interviews with 26 individuals who perceived and identified themselves as being stalked. As noted earlier the author did not use specific behavioural or legal criteria for the inclusion of participants into the study. She instead asked respondents if "they have ever been stalked" and relied on the understandings and interpretations self-identified stalking victims attached to their experiences in order to capture a wide range of manifestations of this ubiquitous crime. As a result the sample covered a variety of experiences ranging from cases where victims were still and/or intermittently stalked at the time of the study to cases where the pursuit had ended many years ago but the ensuing uncertainty and intense fear remained intact. With regard to the timeframe of stalking incidence it is important to note that in many cases stalkers continue to remind their presence to victims sporadically either by trying to contact them through third parties (e.g. children, relatives), whenever they see them or driving by their workplace.

The interviews took place between December 2010 and March 2012 and lasted approximately between 30 minutes and 3 hours. Participants were recruited through various sources such as the National Stalking Helpline, domestic and sexual violence advocates based in Wales and 3 local universities. The sample consisted of 24 female and 2 male participants aged between 19 to 58 years old. The predominance of female participants may reflect the fact that women are mainly stalked but it may also be indicative of male victims' reluctance to talk about being stalked either because they do not label their experiences as such or because they think their victimisation would be seen as a weakness according to commonly held socio-cultural norms and expectations about gender roles (Langhinrichsen-Rohling, 2012). As such, the sample is not representative of all stalking victims and experiences but it should be borne in mind that the purpose of this study was not to ensure representativeness and produce statistical certainties but to explore and understand this hidden form of victimisation through victims' own words and experiences.

The research received ethical approval by the Centre of Criminal Justice and Criminology in Swansea University and given the sensitive nature of the topic all necessary measures were taken to ensure the anonymity and safety of participants and minimise potential distress during the interviews. All participants were informed about the purpose of the study and they were provided with consent forms that stated their rights and that the data collected would be

anonymised and remain confidential. Guidance and support were provided to participants by offering them a debriefing form that enlisted relevant sources of advice and information related to stalking victimisation at the end of the interviews. All interviews were recorded, transcribed verbatim and analysed first manually and then by importing them into the qualitative data analysis software programme NVIVO 9. The analytical strategy was guided by the aims of the study and it involved identifying and focusing on recurrent and interesting key themes emerging from interviewees' accounts.

Responses of Criminal Justice System Practitioners to Stalking Victims: Disbelief, inaction and bias

Although the levels of satisfaction regarding the responses of criminal justice system professionals varied within the sample, the general view held by victims³ was that their cases were dealt with by the police and courts inadequately. Most victims reported that they felt disappointed with the way the police responded to them and dealt with their cases. They also said that they often felt they were dealt with disbelief, their complaints were dismissed and in some cases they were treated with disrespect and inaction.

For example, a woman who was stalked by her former boyfriend explained that she was urged by a police officer to discard all evidence (e.g. e-mails and text messages) and she was later advised to “take antidepressants and move away”:

“The first contact with the police I said ‘He’d shot a gun at me’ and everything else and I was, I was really upset and stressed out cos it was the first time I’d you know spoken and tried to get help and she (the policewoman) told me he was a big bully, to throw, cos I had, I actually had the bullet case and she said “Throw that in the bin, snap his sim card and let him move on to his next victim” (Participant 04)

Similar responses were mentioned by other victims who said that the police did not take their cases seriously and dismissed their pleas for help or action to be taken against their stalkers. This type of response was quite common in cases where there was not physical violence involved or a prior relationship between the victim and the perpetrator. Indicative is the case of a woman who has been stalked for 33 years by a stranger and she had been trying to persuade the police to help her by explaining them the non-overtly violent ways (e.g. monitoring, waiting for her outside social venues) her stalker has been terrorising her:

³ Four victims in the sample did not contact the police because they believed they wouldn't be taken seriously or because their pursuit stopped using other informal ways (e.g. confrontation) or for reasons unknown to them.

“The police wouldn’t take me seriously (...) I went there you know and they made me feel like I was a stupid schoolgirl you know just trying to cause trouble” (Participant 20)

Another participant re-iterated the lack of response by the police when the behaviour seemed rather ‘harmless’ but still part of a pattern of intimidation of the victim:

“I did call the police a lot but most of the time it was just like “Well nothing we can do today” you know because, because then you are phoning up and you are going “There’s a man clapping in my garden” and it was like “Yeah so what?” (Participant 19)

The following quotes illustrate similar type of police responses and perceptions:

“My solicitor wrote to the police to say about why the police didn’t act on things and the answer was that there is no law against anyone standing in the street staring at your home” (Participant 08)

“Police were in fact unresponsive. It took a whole year to get them to visit. By which time my new car was seriously damaged and I was becoming more and more frightened” (Participant 12)

In another instance a participant reported that police officers were unable to provide her with relevant advice or support because of the on-line nature of her pursuit. As a result she did not know how to deal with her cyber-stalker who was letting her know he had a gun:

“I was extremely frustrated with the police forces who basically just couldn’t help me at all, they didn’t give me any information leaflets, they didn’t say “Yes we have a cyber-abuse police officer who will be your main form of contact” I didn’t get any of that (...) I had a rather terse phone call from a police officer saying you know “I count on you not to respond” um and three e-mails saying they’ll get back to me and that’s the sort of police support I got so I was extremely frustrated” (Participant 09)

In the same line, several participants who were stalked by their former intimate partners talked about a tendency by the police officers to focus on physical violence or regard their cases as ‘domestic violence’ without recognising and taking into account a series of critical stalking incidents preceding and following their separation from their future stalkers. The following account by a woman who was violently stalked by her former husband is indicative of this approach:

“That’s the response from the police because I said he sat outside the house, he is shouting through the letter box, I am here on my own (...) I am frightened (...) and he was shouting “I can get in if I want to. Don’t think you can hide from me” this type of things and the police just said “Well he is not harming you, we can’t intervene unless he harms you” (Participant 10)

Many participants argued that these inadequate responses resulted from a lack of understanding among police officers regarding the complex nature of stalking and the debilitating impact everyday intrusions and intimidation can have on victims' lives:

“When I lived in my last house which was right by a busy lane that led to the main town I was really too frightened to go out, I would only go to work and I would shop direct from work and come in, I wouldn't go out again at the night time because I was just too frightened in case he was out there hiding down the lane or signing across the road or something (...) it just rules your life and the police do not seem to understand that” (Participant 08)

Lack of understanding and biased responses were also reported by victims with regard to the way judges dealt with their cases. Victims pointed out that the sentences were not strong enough and did not reflect the seriousness of the crime and suffering caused by stalkers. For example, a woman reported that her tormentor received an eighty pounds' fine for stalking:

“It's torture, complete torture for somebody to be watched and you know I had my car broken into, I had drugs planted in my shed, I'd been threatened, I'd been run off the road, I'd been you know kept prisoner in my own home because I can't get out at the end of my road because he is there, I'd been watched, I'd been recorded you know and then you get an eighty pounds' fine, well what that's telling him 'Oh that's alright mate, you can do it again' (Participant 25)

The same lack of understanding was echoed by another participant who was attacked on the road by her former husband and the magistrate dealt with her case as an isolated incident rather than as a chain of events escalating to assault:

“That's when he went to court for the first time and the magistrate had said ((sighs)) that he didn't believe that he was dangerous, he was just deeply depressed over the breakup of this family and released him with just a fine to pay for the mobile phone that it's broken (...) and that was the night then that he forced his way into the house and tried to strangle me uh so I went to the police station and reported that and they charged him and they remanded him in custody” (Participant 01)

Another victim also said that courts were dismissive because her case did not involve physical violence and also because she had a prior intimate relationship with her stalker and she thus felt she was seen as responsible for being stalked:

“I think well the courts had all viewed it as not been very serious and because I was involved with him so sort of my fault (...) and the things that he were doing were not to me personally, they were to my house and my car so therefore it was nothing serious” (Participant 19)

CJS Responses to Stalking and Sexual Violence Victimisation: Two Sides of the Same Coin

Consistent with previous studies (Sheridan et al., 2001; Purcell et al., 2002; Van der Aa and Groenen, 2010) most stalking victims in this study expressed their disappointment with the quality of help and advice they received by the police and their dissatisfaction with the way the courts dealt with their cases. Many participants reported that that they were not taken seriously, that their complaints were downplayed and dismissed and that they were often treated with disbelief and lack of sympathy. Post-intimate stalking victims also referred to the tendency of the police to focus on physical harms rather than the patterned psychological abuse they were subjected to by their former intimate partners. In many cases participants argued that these responses resulted from a lack of understanding by both the police and courts on the serious nature of stalking and its effects as well as stereotypical perceptions and victim-blaming beliefs.

Similar experiences of inadequate and derogatory treatment have been reported by rape victims. Notwithstanding the shame and the trauma of the attack itself, rape victims have been systematically dealt with scepticism, lack of sympathy and understanding by the police and legal professionals, often experiencing a second ‘victimisation’ (Temkin and Krahé, 2008). Research studies have shown that rape victims are often disbelieved and blamed by the police and other criminal justice system practitioners (Jordan, 2004; McMillan and White, 2015). It has been observed that victims are dealt with suspicion by the police especially when their cases do not fit the stereotypical ‘real rape’ case scenario where victims have visible signs of resistance or they are brutally attacked by a stranger (Kelly, 2010). For example, women who were drunk, raped by an acquaintance or not physically injured during the attack are less likely to be believed and treated as ‘genuine’ or ‘legitimate’ victims (Du Mont et al., 2003; Brown and Horvath, 2009).

The scepticism and biased responses by the police towards rape victims have been explained as the result of acceptance and use of rape myths in the assessment of rape cases and a patriarchal occupational culture. Rape myths were first defined by Burt (1980) as “prejudicial, stereotyped or false beliefs about rape, rape victims, and rapists” (p. 217). Prevalent rape myths involve victim-blaming beliefs such as that women provoke their victimisation by the type of clothing they wear (e.g. she was asking for it), their demeanour, being drunk or alone out at night, that women enjoy or lie about being raped as well as beliefs exonerating perpetrators (e.g. he didn’t mean it) that justify and facilitate men’s violence against women (Lonsway and Fitzgerald, 1994). The validity and usefulness of rape mythology has been recently questioned on the basis of whether ‘rape myths’ are in essence a mixture of facts, (morally wrong) opinions

and attitudes rather than widely held, false beliefs (Reece, 2013; Conaghan and Russell, 2014). However, research has consistently shown that rape myths as such exist and that their acceptance by police officers often affects their perceptions of what counts as ‘real rape’ and promotes victim-blaming attitudes (Hohl and Stanko, 2015). Jordan (2004) further argues rape-supportive beliefs are consolidated and sustained by a patriarchal and hegemonic police culture that is often manifested in the form of ‘macho’ and misogynistic attitudes by police officers.

Rape victims often receive similar responses by the CPS and the courts. For example, a woman who was raped in 2012 was sent a letter by the CPS explaining that the reason her case would not be followed up was because they were not convinced that she was raped given the type of underwear she was wearing at the time of the attack (Newman and Wright, 2014). It has been argued that the high attrition levels and the low prosecution and conviction rates for rape cases stem from and reflect this type of unsympathetic and highly gendered attitudes (Dodd, 2014).

The prejudicial responses to rape victims as described above resonate with many instances in the current study where stalking victims reported that they were not taken seriously and their complaints were dismissed when their experiences did not involve physical violence or they were pursued by someone known to them and thus their cases did not match with the widely held stereotypical perception of stalking as a crime involving physical violence by (mentally disturbed) strangers. It seems that police officers often rely on stalking myths (e.g. stranger danger, violent physical attack) to determine whether a case is serious enough and constitutes a ‘classic’ stalking incidence. It has been argued that this is mainly due to the lack of specialised police training and understanding on the nature and effects of stalking (see Scott et al., 2013) and a rather short-sighted focus on physical violence and tangible abuse both by the police and courts (Finch, 2001).

Indeed, another similarity in the way the police deal with rape and stalking victims is the prioritisation of physical harms and injuries over psychological abuse and intimidation. Bourke (2007) interestingly observed that the reason the police are often suspicious of rape victims who have not sustained physical injuries or were not coerced through the use of physical force or weapons could be because they are more accustomed to looking for and working with physical violence and thus they “are less susceptible to psychological aggression; less attuned to subtle intimidation” (p. 396). This may also explain the dismissive responses victims of stalking often receive by the police and courts when they are not physically attacked by their pursuers.

The experiences of domestic violence victims also parallel the experiences of rape victims as well as the experiences of many post-intimate stalking victims who took part in the current study with regard to the dismissive and victim-blaming attitudes they often receive by criminal justice system practitioners. Research studies have shown that domestic violence victims are often not taken seriously and that there is a lack of understanding regarding the complex nature and dynamics of domestic violence and intimate partner abuse among police officers and other criminal justice system practitioners (Burton, 2008; Meyer, 2011).

A recent report by HM Inspectorate of Constabulary found that domestic violence victims often felt that they were disbelieved and not taken seriously, that they were sometimes criticised and that some police officers showed significant lack of empathy and understanding. It also revealed that victims often faced 'a postcode lottery' in the way their cases were treated with 16 out of 43 forces prioritising calls from domestic violence victims and only 8 out of 43 police forces responding adequately to domestic abuse cases. The report concluded that these police failings were mainly due to the ethos and culture of some police officers and their poor attitudes to victims of domestic violence.

Looking closely at the experiences of domestic violence victims in the light of post-intimate stalking victims' accounts in the current study it could be argued that the dismissive and unsympathetic responses they both often receive by the police may result from a lack of understanding regarding the pattern of the behaviour(s) involved and misconceptions about the seriousness of the violence that occurs between prior intimates. To be specific, many post-intimate stalking victims explained that the police would often focus on physical harms and fail to recognise the pattern of psychological abuse and specific stalking-related incidents (e.g. threats, surveillance). This incident-led approach and prioritisation of physical over emotional abuse is similar to the way the police often deal with domestic violence not taking into account the behaviours (intimidation, isolation) that comprise domestic violence perpetration and constitute part of a distinct pattern of coercive violence and control (see Tanha et al., 2010). It has been argued that the tendency by criminal justice system practitioners to deal with victims' cases as isolated incidents rather than as a distinct pattern of behaviour is consolidated and sustained by the minimisation of emotional abuse as a less serious form of deviance (Finch, 2002) and common distorted perceptions about intimate partner violence such as the attribution of blame to victims for having had a prior relationship with their stalkers or staying with violent partners (Eckstein, 2011; Weller et al. 2013).

Overall it is obvious that victims of sexual and gendered violence such as rape, domestic violence and stalking are often treated inadequately by criminal justice system practitioners and particularly the police. Although there are variations in the quality of responses victims receive, empirical evidence shows that they are commonly treated with disbelief, lack of understanding and sympathy. It has been argued that these attitudes result from and are underlined by a victim-blaming culture, deeply entrenched stereotypical and misogynistic notions about sexual violence and dysfunctional socio-cultural beliefs about gender roles and relationships (Jordan, 2001; Walklate, 2008; Weller et al., 2013).

Bearing in mind these commonalities and issues, the article poses the question whether the recent criminalisation of stalking and legal change would prove suffice to dispel myths and eradicate deep-rooted socio-cultural beliefs and attitudes about interpersonal abuse and violence against women that often underpin stalking behaviour. Importantly the final part of this article seeks to understand the extent to which legal reform could bring about a positive change in the way criminal justice system professionals respond to victims of stalking and other forms of sexual violence.

Stalking is a crime: Law as a vehicle for social change?

Bearing in mind that law can play an important symbolic role reflecting and conveying social disapproval (Burton, 2008), the criminalisation of stalking has the potential of raising social consciousness regarding this form of violence and its effects and could help change criminal justice system professionals' attitudes towards victims.

However, whilst acknowledging the symbolic importance of the law, the messages it contains and its potential in bringing about social awareness and change it has been long shown that legal reform in its own right is not effective in addressing interpersonal and gendered violence phenomena because these are rooted in and derive from gender inequalities and patriarchal socio-cultural structures (Jordan, 2011). The legal condemnation of complex social issues such as violence against women may raise social consciousness but it does not address or tackle their socio-structural causes (Snider, 1998). As such, naming and criminalising stalking does not necessarily entail the change of patriarchal and victim-blaming socio-cultural beliefs and attitudes that often underline and sustain the perpetration of this form of interpersonal abuse. As Miller and Meloy (2006) argue "an overreliance on the criminal justice system to protect women" is problematic because it facilitates "a movement away from a critique of underlying social, legal and political structures that underpin male privilege and use of violence" (p. 108).

Stalking like other forms of gendered violence cannot be properly dealt with if it is only seen and dealt with as a criminal justice system issue without taking into account and questioning the broader cultural and socio-political context that allows its occurrence. In other words, stalking cannot be properly tackled and its legal regulation cannot be effective unless dysfunctional stalking-related socio-cultural beliefs and established gendered norms about what counts as normal and acceptable behaviour within relationships are named, challenged and addressed.

The new stalking law can become an effective tool of social change if it is used in combination with other “ameliorative strategies” (Snider, 1998, p. 15) aiming at an ideological and socio-cultural transformation. For instance, the commonly held misconceptions about stalking (e.g. stranger-danger) that often affect criminal justice system professionals’ attitudes and hinder the recognition and understanding of the behaviour and its consequences could be mitigated through training. Indeed, research studies have shown that police officers who received specialised training about stalking and were experienced in investigating interpersonal crimes were less susceptible to stereotypical perceptions and more likely to believe that police intervention was necessary and that the perpetrators’ behaviour would bring about distress to the victim than non-specialist police officers (Scott et al., 2013).

Interestingly though research exploring rape-myth acceptance and victim-blaming attitudes between police officers specifically trained to deal with rape victims and non-specialist police officers showed that training had no real effect on either victim-blaming or perpetrator blaming (Sleuth and Bull, 2012). These findings indicate the challenging nature of altering deep-rooted patriarchal beliefs and attitudes (*‘old attitudes hard to die’*) within a police culture of scepticism and bias. They also point out the importance and need for an in-depth, updated and continued training among criminal justice system practitioners and especially police officers, as they are usually the first point of contact for victims, addressing stereotypical views and misogynistic notions underlying gendered and interpersonal crimes.

Persistent stereotypical thinking and lack of understanding could be also remedied through general public awareness campaigns. As Gowland (2013) rightly comments the effectiveness of the new stalking law will also depend on the general public’s awareness on what constitutes stalking, who can perpetrate it and what it involves. Research suggests that public awareness campaigns about sexual violence can increase knowledge but they cannot bring about sustained attitudinal and behavioural change if they are not used in conjunction with other initiatives addressing stereotypical beliefs, attitudes and norms regarding gender roles and behaviours

(Harvey et al., 2007; Fisher et al., 2008). Indeed, education programmes challenging patriarchal values and promoting gender equality could help towards eradicating stereotypical beliefs and developing more equal and safer societies.

To conclude, the new stalking law is an important legal change as it makes stalking a separate crime, takes into account the effects stalking can often have on victims' lives and therefore it may raise awareness and help stalking victims and their cases to be taken seriously and dealt with properly by the criminal justice system and society on the whole. Nevertheless, it should be acknowledged that, as with all complex social and gendered violence phenomena, the solution lies in a deeper ideological and socio-cultural level. Gendered and sexual violence cannot be properly addressed if the dominant patriarchal ideologies and salient victim-blaming ethos that often characterise criminal justice system decision-making remain intact and unchallenged. Stalking would be tackled effectively if long-held stereotypical beliefs about the acceptance of emotional violence within intimate relationships, stalking-related myths and deeply entrenched patriarchal and victim-blaming attitudes underlying and fostering this form of interpersonal abuse are addressed. In that respect legal reform can be effective if it co-occurs with a gradual change of erroneous widely held beliefs with regard to sexual violence and the seriousness of emotional harms that facilitate the perpetration of gendered crimes. This kind of attitudinal and cultural change takes time to achieve but the law could certainly contribute towards this direction as long as other relevant policy and prevention measures such as specialised training and victim support, community awareness and education programmes and more research on these forms of abuse are also undertaken, developed and systematically implemented.

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